

Actual aspects of law. Comparative legal analysis of the rise and fall of the tribal principalities of the baltic slavs in the viii–xii centuries

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Abstract

The study of topical issues of modern criminal and criminal procedure law in Russia is impossible without studying the formation of the state, the system of law. In the framework of development of a science of criminal law, law of Slavic studies a special place is occupied by the study of experience predgornogo (voditelskogo) development of Baltic Slavs in the early middle ages. The article on the basis of comparative legal methodology examines the patterns of origin, development, prosperity and decline of the early medieval tribal principalities of the Baltic Slavs. The authors prove that decentralization, tribal autonomy, national betrayal, religious violence and domination of the Veche over the princely.

INTRODUCTION.

The study of topical issues of the modern, including the criminal and criminal procedural law in Russia is impossible without the study of the formation of the state of law [Melnikov V. Yu. 2019,

p. 23]. In the framework of development of a science of criminal law, law of Slavic studies [Subject and method of legal Slavistics / 2013, p. 173-175] special place is occupied by the study of experience predgornogo (voditelskogo) development of Baltic Slavs in the early middle ages. That among the West Slavic tribes the fate of the polabian-Baltic Slavs, who have long lived along the lower and middle coast of the Elbe river (its Slavic name is Laba) and along the Baltic sea coast between the Elbe and the Vistula, was very tragic.

In the words of E. De Witte: "Of all the peoples of Europe, they alone laid down their lives for their country, for their old pagan way of life" [De-Witte E. 1886, p. 19]. Extant sources find these tribes at the stage of decomposition of the primitive communal system and the

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formation of class society. At the end of I-beginning of II Millennium BC the basis of the social structure remained a free community. Slavery and other forms of dependence slowly penetrated into this environment. On the Baltic coast came before the trading city of Wolin, Kolobrzeg, etc. on the one hand, force the folding state and legal institutions, on the other – led to the specificity of the political system of the Pomor Principality in which the merchant circles were a great weight. In the cities of Veche meetings soon became dependent on the trade of the nobility [Saxon Annalist. Chronicle.2012, p.155].

Method.

Methodological basis of this study is the dialectical method of cognition of social and legal phenomena and concepts in their development and interdependence. In the process, general-purpose and scientific methods of scientific knowledge are used as well, historical and legal, systemic, structural-functional, comparative legal, statistical, sociological, specifically the formal-logical, logical-legal and others. The legal framework and information base includes the research of international legal instruments, scientific sources, investigative and judicial practices to ensure the rights and lawful interests of individuals in the pre-trial proceedings.

Results.

In the historical sources of the VIII – XII centuries.

The vast country of the Baltic Slavs was called the land of the Wends (Vinedaland, Veonodland, Vindland), Slavia, Slavnyi (Sclauia, Sclauania). The peoples who sat on it are recognized as witnesses for their fellow tribesmen. A. A. Kotlyarevsky have listed them following the direction from West to East, i.e., the alleged seniority of their resettlement [Kotlyarevsky A. A. 1895, p.25- 27].

So, the tribe Wegrow sat in the extreme North-Western corner between the Baltic sea, rivers Salanou and Continou – on the one hand, Travenol; on the other [Saxon Annalist. 2012, p.155]. Part of the tribe was placed on the island Vembre (Imbria).

Of particular tribal groups were:

1. Limony or Lina, the Clay lived on the right side of the river Elbe.
2. Trevane , who lived on the left side of the river Elbe, opposite Linov.
3. Petency (Venice or Venice), about which we only know that they coexisted with Lins and were on the Eastern Bank of the river Elbe.
4. Moriconi, a region which stretched from the Plav lake on the East to R. Gavali and from the top Neboli South to Basundhara forest.

Consequently, the history of the vandal tribe belongs to the cultural heritage of the Slavic world and is not the creation of a special German spirit.

In the immediate neighborhood of the Lutici were Gavilana, otherwise known as Storename – on the river Gavale and Sprave; to them belonged to Spravne and Buzhans; and Ukraine – East of Dolenci and Ridara river Ukre to the river Oder, or Pomeranian (stalinskogo) of the lake; the Northern part was called Recanati. The wound or Ruyan (Rugi) occupied the island Rui or Ruyan (To modern rügen). Gothic historian Jordan in the sixth century A. D., reported that the tribes

Uvarov, Rugova and wounds superior to the Germans, both body and spirit, they "always fought with animal ferocity" [Jordan. On the origin and acts of the Getae (Getica) / Jordan. 2013, p.65].

The Pomeranians sat in a vast space from the Odra to the Vistula. This territory was divided into two equal parts: the front and rear Pomerania, the border was the river Persanta. In addition, in medieval sources mention Dosane, Lyubichi, Samchi, Litici and Platici [Adam of Bremen Acts of the archbishops of the Church of Hamburg. // 2011, p. 40-41].

Among the numerous polabian tribes already in the VIII – beginning of XII centuries, the Lutici and Obodrits, had to take the brunt of the onslaught of the German feudal lords. Even Charlemagne suffered military action for the Elbe [Hildesheim annals / / 2012, p. 224]. After the tribes subordinated to him regained their freedom in the IX century, a new stage of the "onslaught to the East " began with the reign of the Saxon dynasty in Germany.

In 928, king Henry the Fowler seized the main city of the tribe of Gavran Brenna. Then a number of other areas were captured. The German feudal lords sought to assert their power by cruelty and treachery. However, the Slavs are strongly preferred war to peace, willing to bear all sorts of disaster for the sake of love of freedom.

In 1000 ad, the Slavs, who suffered injustice from Christian judges, threw off the yoke of slavery and began to defend their freedom with arms in their hands. "Princes of Vikulov was then Mistui and Minidrag; under their leadership and mutiny. Having risen at the head of these leaders, the first Slavs with fire and sword ravaged the whole Nordalbingia, and then, through other Slavic lands, burned, razed churches, ... and not left on the other side of the Elbe, as wrote Adam of Bremen and traces of Christianity" [Adam of Bremen Acts of the archbishops of the Church of Hamburg. // 2011, p.48-49].

Around 1066, the Slavs defeated the crusaders, leveled the fortifications of Hamburg to the ground and destroyed all the churches, killing the clergy, to the glory of the God Radegast, whose idol was installed in the city of Retra. The liberation movement was founded by Prince Krut, a native of the island of rügen [Paul A. 2015, p. 18].

According to historian V. I. Merkulov, confrontation rojansky of the Slavs and the Germans had not only religious grounds, but also the beginning of the vendetta of the ruling dynasties of these tribes since the Great migrations of the IV–VII centuries [Merkulov V. I. 2015, p.119].

In this situation, the process of formation of large, relatively cohesive early feudal States were in the polabian-Baltic area (unlike the Balkans [Melnikov V.Y., Tsechoyev V.K., Seregin A.V., Cherkasova M.A., Stepanenko A. S., Akhrameeva O. V. 2019, p. 59-66], the Eastern Slavs, the Czechs and the lechites [Melnikov V. Yu., Seregin A.V. 2016, p. 285-288]), extremely long and was not completed. It reached its final stage at a time when the socio-economic prerequisites of feudal fragmentation were already brewing in society, which made the emerging principalities extremely fragile. So, based on bagrickogo tribal Alliance in XI has developed an extensive public education; it included or paid tribute to many neighboring lands. However, in the beginning of the XII century mingled and had not managed to

consolidate a state in the Affairs of which strongly interfered with the German feudal lords, has collapsed.

However, gradually the German influence penetrated and ruined ancestral Slavic foundations, which resulted in an irreconcilable antagonistic contradiction between the tribes Bodrichey and Lutici. Their feud ended with the disappearance from the historical arena of these peoples. The princely power of the luthiers was so weak that it was gradually abandoned. Therefore, in the X century they have completely dominated community self-government: all issues were resolved unanimously by the people's gatherings.

Although hostility towards the Germans in the Lutici were making tremendous bitterness, it so happened that they had forgotten it, and become zealous to help the Germans trying to use them to protect themselves from the dominion of the Polish rulers. The Lutici had not realized the dangers of such a betrayal of the Slavic solidarity. Their salvation could take place in the state Union with the Prince of Lyash, but over them prevailed narrow tribal pride. Many natural signs prophesied impending disaster; people said that one should not serve the German, and the luthiers were going to renounce their Alliance with the Christians.

At the same time, it was the first (noble) relatives who persuaded the people's meeting to swear an oath to the German world. In 2014, similarly, the path of betrayal of Slavic interests went to the Ukrainian elite, which opposed fraternal Russia. Have Bdrichey, on the contrary, over time the power of communities weakened, so the Board is concentrated in the hands of the princes, but the princes increased know Prelimina opportunity feudal oppression of their fellow ordinary members of the community.

Discussion.

Pomeranian Dukes did not rule his people and did not have the subjects: they just reigned as a symbol of tribal unity the birth of the Slavic Pomeranians. Not only the Prince, but also any rich inhabitant of Pomerania could have the team. The Pomeranian Prince had his own city, he had his own estates, but other cities and districts were governed completely independently of his power. The cities themselves waged war and sent embassies to strangers. During the war cities on their own cared about own defense.

The princely power, though impotent, was everywhere sanctified by the authority of ancient law, and was no doubt under the protection of the Slavic Gods. All Pomerania paid tribute to the Prince: each village brought him a certain fee for the land; moreover, levied for markets, taverns and salt works, undertook the duty with the transportation of goods and people was bound to certain public work, led by the Prince; for example, to the creation of defensive fortifications, road construction, construction of bridges etc. In the possession of the Prince were free (idle) land. Pomeranian power was a Confederation of Slavic cities led by a Prince in the service of the Union of communities.

Ran (Rugova, Russ), developed a theocratic form of government in which the princes obeyed the priests [Alexandria from Bosau Slavic Chronicles. // 2011, p. 37]. Under the red banner fought the legendary Pomeranian warrior Stina [Haas A. 1918, p. 51], the banner of hearts developed over the princely regiments in the "Word of Igor's regiment", the red battle

standard was held by the Emperor of the Franks Charlemagne. Vsevelikogo don Army was sent to Moscow the village – a special Embassy, a deputation of elected officials.

In the Russian tradition, villagers Cossack, Buyan, am self-willed [Ganina N. And. Secrets of the rügen Slavs / N. And. Ganin // 2015, p. 73]. The Cossacks the word the villagers used as a polite form of address to each other. The village is a form of Cossack settlements.

Rojansky and Casaca the village, is the sacred brotherhood of combat soldiers, defenders of the faith. Generic relationships and RANS Pomeranian nobility were not really Slavic, but rather German. Therefore, it was the nobility that was first of all Germanized, destroying the ancient Slavic culture, by copying the German institutions of medieval law.

Recognized as an independent class, Pomeranian nobility enjoyed great advantages: the aristocrat could have his squad, which was often more numerous than the princely army.

The nobles formed a permanent Assembly under the Prince and the people's Assembly. Moreover, the agenda with options for decisions for the people's Assembly was prepared by the Council of the nobility. However, the main the latter power was at the people's community: for the beginning of a community lying at the base of ancient life Pomeranians and began to disappear only after taking from Germany of the Christian faith with the Slavonic.

Throughout Pomerania, in all towns and prisons, days were fixed for people's gatherings. In the allotted time, gatherings of the nobility, consisting of the noblest and oldest years of people. The participation of the elders in the meetings corresponded to the spirit of old Slavic law: "for deeply rooted in the Slavs thought that the old people know the case better and discuss.

The proper significance of these meetings was only deliberative, and their verdict needed the approval of the people, but it was natural for the people to have confidence in the decision of their own elected advisers, the oldest and most intelligent people. It happened sometimes, so that the sentence they were spoken directly into law, without further approval.

It should be said that the Novgorod Veche also gathered by the decision of the boyar Council, the Prince, the mayor, sometimes-on the initiative of residents. But despite the regularity of the convening of the Assembly and rather efficient organization of its activities, the real power in Novgorod belonged to the boyar Council. This Council was formed from the boyars and the highest ranks of the administration: Posadnik, tysyatsky, " old " (ie former) Posadnik and tysyatsky, the elders of the city ends (more than 50 people).

The composition of the boyar Council was not permanent. As the influence of the Council increased, the princes ceased to be invited to its meetings. The Council was headed by "Vladyka" - Archbishop of St. Sophia Cathedral. He could replace Archimandrite-Abbot of the largest monastery in Novgorod Yuriev. The boyar Council met as needed and solved the main issues of state importance: selected candidates of the Prince, the mayor, other officials, prepared Veche meetings, the necessary documents, solved foreign policy issues. Boyars and clergy held in the hands not only the earth, but also key positions in trade, craft, were engaged in usury; "Lord" had the armed group.

In Ancient Rome established a fundamentally close to Pomeranian-Novgorod's political system: optimates (the best) made the decision in the Senate (Council of elders), and the people claimed in the national Assembly (kuriatnyk, centuriata or trebotich).

CONCLUSIONS.

Itself weakness princely power in X–XII centuries could not ruin Baltic Slavs, if would it was able unite in a single power. The excessive, centuries-old overstrain of forces in the hard struggle against German feudal aggression, in the end, affected the most negative way. It, in particular, disrupted unification processes and revived tribal separatism.

The German princes quarreled Slavs, incited religious hatred of converts to Christianity to their relatives who remained faithful to their native Gods, set them against each other, subjugating one by one. So also in VIII – IX centuries. this in Alliance with the Slavs and the Saxons resisted the crusaders the Franks [Adam of Bremen Acts of the archbishops of the Church of Hamburg. 2011, p.32]; after the baptism of Denmark in 1168, they destroyed the sacred centre of the Slavs on the island of Ruyan – city of Arkona, where was a sanctuary Sventovita. The Saxons converted to Christianity staged a genocide of the polabian Slavs. Baptized Ruggie, the poles and the Czechs fought under the flags of the crusaders against the Pomeranians and other Slavs, to remain loyal to their gods [Bruno On the Saxon war. 2012, p.475].

When in the 40s of the XII century, German secular and spiritual princes undertook a crusade for the Elbe, the Slavs could not resist in an unequal battle. Soon, the captured city of Brenna became the core of the Brandenburg margraviate established there. Neighbor and rival Albrecht, the Saxon Duke Henry the Virgins, won the Western outskirts boticska possessions, but, pressed by other German feudal lords, had in 1170 the city to negotiate with the Prince Bodrichy. So, as a part of the German Empire arose the Slavic Duchy of Mecklenburg; Slavic nobility, who adopted Christianity, equalized in rights with the German nobility. The Emperor's suzerainty was also recognized by Western Pomerania, which was subject to frequent attacks by the Danes and Germans; it became the Duchy of Pomerania.

Thus, the nobility of the Baltic Slavs, striving for the German way of life, numbed their people, betrayed the faith and covenants of their ancestors. In the public organization of power among the Baltic Slavs, the leading importance belonged to the prerogatives of the people, who converged on the diet and Veche. Sometimes it was like that even Prince warriors retreated into the background, the solution to most issues as a tribal, as it was the Lutici in the X century On the Council, usually, met, everyone, to participate in public life [Participation of the people in the Supreme power in the Slavic States before changes of their state structure in the XIV and XV centuries. 1882, p. 26].

The people's Assembly, as a rule, organized in the squares or special Assembly places, where he had a special elevation (stage) from which elective appealed to people. According to the testimony of German missionaries, the Baltic Slavs gathered for a people's meeting twice a week on trading days.

Veche decisions were made unanimously, and especially listened to the opinion of the best people. Those who disagreed with the people's will suffered constant sanctions in the form of fines, physical beatings and even arson. Competence of Veche was not strictly defined, being the Supreme authority, theoretically and practically it could consider any common tribal matter. The people, for example, influenced the election of the Prince, chose religion, decided questions about war and peace. Later, because of the betrayal of the princes Pomerania became a German patrimony.

Conflict of interest.

The author confirms that the data do not contain any conflict of interest.

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